



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Deputy Minister

Sous-ministre

2012-009-00685

MAY 29 2012

EKME #2588053

MEMORANDUM FOR THE MINISTER

Your file Votre référence

MEETING WITH MEMBER OF PARLIAMENT LARRY MILLER AND BARRY MACDONALD – HERITAGE LIGHTHOUSE PROTECTION ACT

(Information)

SUMMARY

- On May 29, 2012, you will meet with Barry MacDonald, President of the Nova Scotia Lighthouse Preservation Society and Member of Parliament, Larry Miller (Bruce-Grey-Owen Sound, Ontario). Both Mr. MacDonald and Mr. Miller are part of a Consultative Committee established by the former Minister responsible for the Parks Canada Agency which provides advice related to the administration of the Heritage Lighthouse Protection Act.
- The main focus of this meeting is the Department's response to the Heritage Lighthouse Protection Act. Mr. MacDonald may wish to discuss the possibility of retaining ownership of certain iconic lighthouses within the federal inventory for the purposes of heritage preservation. The potential transfer of the Peggy's Cove lighthouse to the Province of Nova Scotia may also be discussed.
- A Scenario Note to provide additional context in support of this meeting is attached at Tab 1.
- Mr. Daniel Leclair, Director General, Real Property Safety and Security, Mr. Andrew Anderson, Senior Divestiture Analyst and Manager of the Heritage Lighthouse Protection Act for Fisheries and Oceans Canada, and Mr. Daniel Breton, Director, Navigation Systems for the Canadian Coast Guard, will brief you on this file. They will also be available to accompany you at the meeting if required.

Diane Orange

Assistant Deputy Minister **MAY 29 2012**
Human Resources and Corporate Services

Claire Dansereau

Tab 1 – Scenario Note – Meeting with Larry Miller and Barry MacDonald
A. Anderson / A. Raper / D. Leclair / sd

Ottawa, Canada
K1A 0E6

Canada

A0000807_

MEETING WITH MEMBER OF PARLIAMENT LARRY MILLER AND BARRY MACDONALD OF THE NOVA SCOTIA LIGHTHOUSE PRESERVATION SOCIETY, MAY 29, 2012

Overview

On May 29, 2012, you will meet with Barry MacDonald, President of the Nova Scotia Lighthouse Preservation Society and Member of Parliament, Larry Miller (Bruce-Grey-Owen Sound, Ontario). Both Mr. MacDonald and Mr. Miller are part of a Consultative Committee established by the former Minister responsible for the Parks Canada Agency which provides advice related to the administration of the Heritage Lighthouse Protection Act.

The main focus of this meeting is the Department's response to the Heritage Lighthouse Protection Act.

Mr. MacDonald may wish to discuss the possibility of retaining ownership of certain iconic lighthouses within the federal inventory for the purposes of heritage preservation. The potential transfer of the Peggy's Cove lighthouse to the Province of Nova Scotia may also be discussed.

Minister's Objective

- To reiterate support for the underlying principles of the Heritage Lighthouse Protection Act;
- To make assurances that departmental officials are working closely with Parks Canada and community-based stakeholders to facilitate transfers of surplus lighthouse properties; and
- To stress that Fisheries and Oceans Canada or the Canadian Coast Guard do not have a mandate to retain ownership of lighthouses within the Department's portfolio for the purposes of heritage conservation.

Heritage Lighthouse Protection Act

The Heritage Lighthouse Protection Act came into force on May 29, 2010. The Act provides a petitioning process whereby the Canadian public can request heritage protection for any federally-owned lighthouse. The Act's petitioning period expires on May 29, 2012. The Minister responsible for the Parks Canada Agency will have until May 29, 2015 to consider all petitions and determine which lighthouses will be designated under the Act. It is expected that between 300-350 lighthouses will be petitioned for designation under the Act.

In accordance with the Act, the Department published a list of all lighthouses considered surplus to the operational needs of the Department. Most traditional style lighthouses are identified as surplus. In order for a surplus lighthouse to be designated and protected under the Act, there must be a commitment to transfer ownership of the property to an outside interest.

Although the Department was subject to some criticism for including lighthouses with active aids to navigation on the surplus list, it has been effectively demonstrated that this is consistent with well established practices.

No supplementary funding to restore or improve the condition of lighthouses was attached to the Heritage Lighthouse Protection Act during its passage through Parliament.

Key Messages

- **I am supportive of the Act's underlying principles to preserve heritage lighthouses and ensure ongoing public access to sites of historic significance.**
- **I am pleased to see the success of the petitioning process and I am encouraged that community-based interests are taking a proactive role in the preservation of their local heritage.**

Ownership Transfers for Surplus Lighthouses

Over 60 lighthouses once owned by Fisheries and Oceans Canada are now owned by outside interests and have been developed in a manner which promotes public visitation. Many of the lighthouses still contain active navigational aids where the operational equipment is maintained by Canadian Coast Guard technicians.

The Department has received 26 alternate ownership proposals to date that are associated with Heritage Lighthouse Protection Act petitions. Most proposals are viable opportunities for ownership transfers. Real Property officials are coordinating predisposal due diligence activities (ie. title verification, environmental assessment) at surplus lighthouse sites to enable as many transfers as possible before the Act expires in May 2015.

It is anticipated that jurisdictional barriers to transfer such as First Nations claims will prevent some surplus lighthouses from being transferred. The timing and expense associated with some activities such as environmental remediation may also delay proposed transfers beyond May 2015.

Departmental officials continue to work closely with officials at Parks Canada and with community-based stakeholders to ensure that the transfer process for surplus lighthouse properties is administered as efficiently as possible.

Key Messages:

- **Transferring ownership of lighthouse properties to enable heritage preservation or local economic development is a well established practice.**
- **Technology associated with marine navigation has advanced to an extent that it is seldom required to hold formal ownership of land and buildings to support program delivery.**
- **My officials will continue to work closely with Parks Canada and petitioning groups to facilitate transfers of surplus lighthouse properties in a manner which respects the spirit and intent of the Heritage Lighthouse Protection Act.**

LIKELY TO BE RAISED BY MR. MACDONALD

Retention of Selected Lighthouses in the Federal Inventory

Some of Canada's most historically significant lighthouses are very capital intensive structures which may be cost prohibitive for community-based ownership. Mr. MacDonald is concerned that these lighthouses, such as Sambro Island in Nova Scotia, will not be protected by the Act and are at risk.

Mr. MacDonald has suggested that the Government of Canada has an obligation to retain a certain number of iconic lighthouses in its inventory for the purposes of heritage preservation. Parks Canada already administers 15 lighthouses related to their mandate and is not willing to acquire others.

Mr. MacDonald met previously with former Canadian Coast Guard Commissioner, George DaPont to make a similar request. Commissioner DaPont indicated that this would not be possible.

The Department does not have a mandate to retain lighthouses within its portfolio for the purposes of heritage preservation. Maintaining lighthouses within the inventory that are designated under the Heritage Lighthouse Protection Act would create statutory requirements for restoration and heritage maintenance standards. Funding is not available within existing real property budgets to respect these obligations.

Key Messages:

- **Fisheries and Oceans Canada does not have a mandate to retain surplus lighthouse properties within the Department's inventory for the purposes of heritage conservation.**
- **The Department is willing to consider options to be part of a shared solution to protect the heritage character of iconic lighthouses.**

Potential Transfer of Peggy's Cove Lighthouse

The lighthouse at Peggy's Cove is one of the most recognizable buildings in Canada and is visited by thousands of tourists each year. The Department has been engaged in discussions with the Province of Nova Scotia for over 10 years aimed at transferring ownership of the property in support of the provincial tourism industry.

Mr. MacDonald has suggested in recent media coverage that the Peggy's Cove lighthouse is at risk of demolition or replacement if it is not protected under the Heritage Lighthouse Protection Act. Since May 1, 2012, Parks Canada has received four separate petitions for the Peggy's Cove lighthouse which creates opportunities for alternate ownership proposals outside of the Province of Nova Scotia.

The Province of Nova Scotia continues to express interest in acquiring ownership of the lighthouse at Peggy's Cove. Federal and provincial officials are attempting to develop mutually acceptable terms of transfer.

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Key Messages:

- **Departmental officials are actively engaged in discussions with the Province of Nova Scotia aimed at developing a mutually acceptable agreement to transfer ownership of the Peggy's Cove lighthouse to the Province.**
- **The Province is well positioned to maintain the lighthouse in a manner which promotes public enjoyment and supports the provincial tourism industry.**



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SEP 17 2012

2012-003-00774
EKME # 2672286

Your file Votre référence

Our file Notre référence

MEMORANDUM FOR THE MINISTER

STATUS UPDATE – HERITAGE LIGHTHOUSE PROTECTION ACT

(Information Only)

SUMMARY

- This update on the *Heritage Lighthouse Protection Act* is being provided as the two year petitioning period, which ran until May 29, 2012, has come to an end. Parks Canada reported that 348 lighthouses were petitioned for heritage designation under the *Act*. 332 lighthouses are administered by Fisheries and Oceans Canada. Background information is attached at Tab 1. A summary of petitioned lighthouses is attached at Tab 2.
- 291 of the petitioned lighthouses are surplus and could be transferred. Real Property officials have received business cases for 40 lighthouses to date which are a starting point for negotiations between the Department and those who wish to acquire lighthouses. 41 non-surplus lighthouses were petitioned, including 34 at staffed light stations. On August 3, 2012, Parks Canada announced the first four heritage lighthouse designations under the *Act*. All four designations were for surplus lighthouses that will be transferred to community-based interests.
- Real Property officials have proactively engaged petitioning groups for surplus lighthouses in order to facilitate as many ownership proposals as possible which promote public visitation and heritage preservation. Real Property and Communications are collaborating to ensure that information and products on the departmental website are updated to enable the *Act*'s post-petitioning phase. Monthly updates on the administration of the *Act* will be provided at the Look Ahead meeting.

Claire Dansereau

A. Anderson / A. Raper / D. Leclair / D. Orange / sd
Tab 1 – *Heritage Lighthouse Protection Act* - Background Information
Tab 2 – *Heritage Lighthouse Protection Act* - Status Update

Ottawa, Canada
K1A 0E6

Canada

2012-003-00774
EKME # 2650001

STATUS UPDATE – HERITAGE LIGHTHOUSE PROTECTION ACT

BACKGROUND

- The *Heritage Lighthouse Protection Act* came into force on May 29, 2010. The Act established a two year period during which Canadians could petition federally-owned lighthouses for heritage protection. The Minister responsible for Parks Canada must consider all petitions and determine which will receive heritage designations by May 29, 2015. A summary of all lighthouses petitioned for heritage designation under the Act is attached at Tab 1.
- Parks Canada received 332 petitions for lighthouses administered by Fisheries and Oceans Canada. 291 of the petitions are for lighthouses identified as surplus to operational requirements for which agreements to transfer ownership are required to enable the Act's designation process.
- 41 petitions were received for non-surplus lighthouses, including 34 at staffed light stations which were not identified as surplus. In the event these lighthouses are designated as heritage under the Act, the Department will be subject to new statutory obligations to restore and maintain lighthouses to a heritage standard.
- As of August 15, 2012, 38 alternate ownership proposals have been received in support of lighthouse petitions. Many are viable business plans which promote heritage conservation and public visitation. Four of the proposals have been developed into signed transfer agreements and represent the first lighthouses to be officially designated under the Act.
- Real property officials have proactively contacted petitioners by letter in hopes of developing as many viable alternate ownership proposals as possible before the Act's May 29, 2015 deadline date. It is requested that proposals be submitted no later than June 1, 2013.
- Departmental Communications officials collaborated with Parks Canada to coordinate messaging regarding the first set of heritage designations. Communications protocols for future designation announcements will also be established as these will be seen as good news stories for the Department. Communications products on the departmental website have been updated to better reflect to the Act's post-petitioning phase.



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Heritage Lighthouse Protection Act Status Update

September 15

2012

Monthly
Update

HERITAGE LIGHTHOUSE PROTECTION ACT STATUS UPDATE

TOTAL PETITIONED LIGHTHOUSES		348
Fisheries and Oceans Canada		332
Parks Canada		13
Environment Canada		2
Aboriginal Affairs and Northern Development		1

TOTAL DFO PETITIONED LIGHTHOUSES		332
DFO Surplus Lighthouses		291
DFO Non-Surplus lighthouses		41

TOTAL DFO NON SURPLUS LIGHTHOUSES		41
Staffed Light Stations		34
Non Staffed Simple Structures		7

DFO PETITIONED LIGHTHOUSES BY REGION	SURPLUS	NON-SURPLUS	TOTAL
Pacific	10	27	37
Central & Arctic	77	3	80
Québec	26	0	26
Maritimes	96	2	98
Gulf	63	0	63
Newfoundland & Labrador	19	9	28
TOTAL	291	41	332

POST-PETITION PERIOD JUNE 2012 - MAY 2015

BUSINESS PLANS SUBMITTED	JUN	JUL	AUG	SEPT	TOTAL
Pacific	0	0	0	0	0
Central & Arctic	18	0	0	0	18
Québec	5	0	2	0	7
Maritimes	5	2	0	1	8
Gulf	5	0	0	1	6
Newfoundland & Labrador	1	0	0	0	1
Peggy's Cove	0	0	0	0	0
TOTAL BUSINESS PLANS	34	2	2	2	40
DFO LIGHTHOUSES DESIGNATED BY PARKS CANADA	0	0	4	0	4



SEP 17 2012

2012-003-00625
XREF 2012-003-00774
EKME #2672303

Your file Votre référence

Our file Notre référence

MEMORANDUM FOR THE DEPUTY MINISTER

STATUS UPDATE – HERITAGE LIGHTHOUSE PROTECTION ACT

(Decision Sought)

SUMMARY

- This update on the *Heritage Lighthouse Protection Act* is being provided as the two year petitioning period, which ran until May 29, 2012, has ended. Parks Canada reported that 348 lighthouses were petitioned for heritage designation under the Act. A total of 332 lighthouses are administered by Fisheries and Oceans Canada. A summary of petitioned lighthouses is attached at Tab 1.
- The Minister's Office has requested that regular updates be provided regarding the status of the Act's administration. A Memorandum has been prepared for the Minister for information purposes and is attached at Tab 2. Updates regarding designations and the status of *Business Plans for proposed ownership transfers* will be provided on a monthly basis at the Look Ahead meeting.
- We are seeking your approval to add a monthly status update to the Look Ahead meeting and provide the Minister with a Memorandum for information purposes.


Diane Orange
Assistant Deputy Minister
Human Resources and Corporate Services


I concur,
Claire Dansereau
Deputy Minister, Fisheries and Oceans

SEP 17 2012

I do not concur,
Claire Dansereau
Deputy Minister, Fisheries and Oceans

A. Anderson / A. Raper / D. Leclair / sd
Tab 1 – Heritage Lighthouse Protection Act – Status Update
Tab 2 – 2012-003-00774 - Memorandum for the Minister
2012-003-00625 - STATUS UPDATE – HERITAGE LIGHTHOUSE PROTECTION ACT
Ottawa, Canada
K1A 0E6

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pages 8 to / à 9**



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SEP 17 2012

MECTS # 2012-003-00625
XREF 2012-003-00774
EKME # 267303

To: Claire Danserau
Pour:

Date:

Object: **STATUS UPDATE – HERITAGE LIGHTHOUSE PROTECTION ACT**
Objet:

From / De: Diane Orange, Assistant Deputy Minister, Human Resources and Corporate Services

Daniel Leclair, Director General, Real Property, Safety and Security

SEP 13 2012

Your Signature
Votre signature

Information

For Comments
Observations

Material for the Minister
Documents pour le Ministre

Remarks:
Remarques:

Please find attached a memorandum requesting your approval to add a monthly status report to
the Look Ahead meetings and to the Minister regarding the Heritage Lighthouse Protection Act.

Drafting Officer/ Rédacteur:

A. Anderson (990-8886) / A.Raper / sd

A0000809_